

**LANA'I PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 18, 2015**

**APPROVED 07-15-15**

**A. CALL TO ORDER**

The regular meeting of the Lana'i Planning Commission (Commission) was called to order by Chair John Ornellas at approximately 5:31 p.m., Wednesday, February 18, 2015, in the Lana'i Senior Center, Lana'i City, Hawaii.

A quorum of the Commission was present (See Record of Attendance).

Mr. John Ornellas: We'll call this meeting to order. First up is...public testimony at the...on public hearings, Kepa Maly, Irmalee Maly's bed & breakfast. Anybody want to come and testimony on that, on that issue? Okay, seeing none. What? Who? Please come forward.

**B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.**

Ms. Winifred Basques: Aloha mai. The place where they residing now that was done in the early, I guess, the 1970's and 80's. That was a utility supervisor, Curtis. After he left it was rented out. And then of course, when they came over here, Onaona and Kepa took over. But this is the first time. Why is that when somebody else come inside they have to do all this digging, the sewer, take out the -- what you call that -- the other drainage system and it costs money. Is this only the occupants here is doing that now, getting the permits and everything up to date? What about the other vacation rentals? Are they doing the same thing too as well? That is a concern because here people come vacation, oh, let's go get one vacation house. But do they know the plans of it? Like sewer, the cesspool? Do they know all about that? It hasn't come up. So . . . (inaudible) . . . considering why is that they come here and they do that, cost lots of money when Dole, Castle and now Ellison doing all these vacation rentals. Thank you.

Mr. Ornellas: Thank you very much. I, I think...I think the answer to your question is that Kepa and Onaona want to be legal to do a bed and breakfast. All the rest are not legal. Alright, there's a few...there's a few in town that are applying and doing the necessary work to be in compliant with the...with the ordinance for the bed and breakfast or for short-term rentals. So, there are some that are, that are trying to be legal.

Mr. Clayton Yoshida: Yeah, from the department's side, I guess right now we're trying to be more proactive in terms of enforcement and, you know, they are trying to enforce against short-term rental home operations and bed and breakfast home operations that don't have a permit but are advertising on the internet. So, we are seeing an increase in the number of applications because of this, but that's a good thing.

Mr. Ornellas: Alright, great. Thank you. Just a second, Ron, are you testifying on --? You just signed to say that you're here.

Mr. Ron McOmber: . . . (inaudible) . . .

Mr. Ornellas: No, I just saw, I just got the paper and says you wanted to testify.

Mr. McOmber: . . . (inaudible) . . .

Mr. Ornellas: No. Oh, okay. So you'll surprise us later. Okay.

Mr. McOmber: . . . (inaudible) . . .

Mr. Ornellas: Okay. I just didn't know what you wanted to talk about. Thank you. Any, any more testimony, public testimony for the Kepa Maly bed and breakfast? Seeing none. Yes, please come forward. Pick up a mic. State who you are.

Mr. Michael Hunter: Good evening. My name is Michael Hunter. I have a bed and breakfast in town that I've been running, and I'm here to support Kepa in his application, as well as Onaona, and their application for a B&B. And I think they've gone about it in a way that perhaps you'd like us all to have gone about it, but some of us have been involved for a long time. So, I would just like to put my voice of support behind them and wish them all the best.

Mr. Ornellas: Thank you Mr. Hunter. Anyone else? Jerry, please come forward. I know this is –

Mr. Gerald Rabaino: Gerald Rabaino. Lanai City. Yeah, I'm in support of Kepa having his bed and breakfast. Outside of that is just a concern about more parking if we have -- you know, for the others that come into play, that the street parking is taken into consideration. For his one is, is no problem there, but I'm in support with that. Mahalo.

Mr. Ornellas: Thank you Jerry. Oh, aunty come, please.

Ms. Momi Suzuki: My name is Momi Suzuki, and when first came to Lanai to live in 1903 I started a rental and I had a B&B for many, many years. And of course, I did not go through this strict regulations that B&B requires now. And I think Onaona knowing her personally is a very honest person and did everything that needed to be done. And I know. I was born here. I grew up here. I know of many places that do not have the five feet...according to the rules and regulations on building. They're on the property line. Nothing has been said for many years and this was pretty much of a thing that went on Lanai. So how can you buy a property after it's been turned over many times? You know, regulations with the real estate and everything, and you bought this property and not knowing or it's there and it isn't legal because he's already bought it. So this is a consideration to really think about.

Mr. Ornellas: Okay, anybody else? Seeing none, we're gonna close public testimony on this particular topic. Members, any -- let's, let's go to the Gina...the County's view...on this. You're

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Mr. Yoshida: Gina, can summarize the Planning Department's report on this bed and breakfast home application.

Ms. Gina Flammer: Did you want to read the item title into the record or no?

**C. PUBLIC HEARINGS (Action to be taken after each public hearing)**

- 1. KEPĀ MALY and IRMALEE KAMAONAONA POMROY MALY requesting a Bed and Breakfast Home Permit in order to operate the Hale Ho'omaha O Lanai, a one-bedroom bed and breakfast located at 452 Ohi'a Place, TMK: 4-9-001: 033, Lanai City, Island of Lanai. (BBLA T2014/0001) (G. Flammer)**

Mr. Yoshida: This is the request from Kepa and Onaona Maly. Well, Irmalee Kamakaonaona Pomroy Maly for a bed and breakfast home permit to operate the Hale Ho'omaha O Lana'i, a one-bedroom bed and breakfast located at 452 Ohi'a Place, TMK: 4-9-001 parcel 33, Lanai City, Island of Lanai. The staff planner is Gina Flammer.

Ms. Flammer: Alright. Good evening everybody. What I'd like to do is just briefly walk you through the department's report. You can discuss then and then I can give you the recommendation after the -- we'd had a little bit of discussion or I answer your questions.

So the application that's in today is for a 506 square foot one-bedroom cottage. It's located on the same lot as the Maly's where they live so that's why it's a bed and breakfast and not a short-term rental home. It's an accessory use dwelling. You'll see as we go through there was a question about the permit. And one of the reasons why it took the applicant so long to come in for the B&B application is because they went through full after-the-fact permitting. As part of purchasing the property -- actually, talking with her tonight I learned it was actually after they purchased the property that they learned it didn't have the correct building permits. However if you look at the real property tax records it shows it as an accessory dwelling that was built. Nonetheless the applicant still went through all of the building permits, after-the-fact for that. That wasn't finalized until December of last year. So once that was done we were able to move forward on the B&B. And just for everybody else that's in here, so they understand what the rules are, the County requires that the building that's coming in for the, either the bed and breakfast or the short-term rental home, have been built to, to County Code, at the time that it was built. So if it was built prior to Statehood 1958, so it doesn't have the current setback. It could still be a legal building. So I just ask that anybody that's interested in going through the process you can call me at the department, and I can kind of walk you through the specifics for your own property.

So that being said, in the report, it's a pretty simple project. It's a one-bedroom bed and breakfast where the owners live right on there. In terms of the land use designations, it's in an urban district, single-family residential is what the property is zoned. It's also not in the flood zone. It's the first B&B application that we've had for Lanai. So in the report I go through all of the different regulations. I also go through the procedural matters. And I know when we talked in August about updating the B&B we talked a lot about streamlining this, but it's not here yet. So these applicants went through mailing a notice to all of the neighbors within 500 feet. Then they mailed another notice, once we scheduled the hearing in January, the Department published an ad in the newspaper and then the law requires the applicants to publish a notice in the newspaper three times. It's quite expensive. It's one of the things that you recommended, the last part, be taken out of the bill. And this summer the Council is going to take another look at the B&B bill. So there's been a lot of notice that's gone out to all the neighbors.

In the report, I go through what the State zoning is, and the County zoning, and how the application meets all of these criteria. The report also goes through the General Plan, and then it goes through your current Lanai Community Plan. I didn't analyze it to the new one because that hadn't been adopted yet. I know you're all familiar with what's in there and we understand your desire to streamline the process and to make it unique for Lanai.

And then at the end, I talked a little bit about the testimony so there was one letter of protest from a neighbor that was next door. I had spoken with him on the phone. He was concerned with -- he had known that the building that's being used was used as a garage at one point. In time he was worried it didn't have permits. We did take a look and see that everything is permitted. He was concerned that it was maybe in the setback, but you can see I did include in one of the exhibits that it's eight feet which is the current setback. So when you go through after-the-fact permitting you're required to come up to current County Code. So that building is to current County Code right now. There were also -- there was a response from the applicant to that letter of protest, and then there have been three letters of support. Two are in your staff report, and then one, I just put on your desk.

So in terms of the exhibits, it's Lanai, it's a small town, I still give you three maps just so you could take a look at who the neighbors are. And then I gave you some over head aerial views so you could see where that building is in relation to the neighbor. I know many of you probably actually know the property, but I wanted you to be able to look and see where it is. I also gave you the site plan. You could see the parking plan is on there, and that all the parking is required to be onsite, and they have absolutely no problem fulfilling that requirement. And then I gave you a copy of the floor plan itself. The applicants did a very nice job of getting a description of the neighborhood. Yeah, it's, it was nice to read, and tells you a little bit about how it fits in with the culture that's there. And then there's lots of photos of the property itself and then inside you can take a look. And then I wanted you -- the rental rules, too, which if you read, you can tell that they care a lot about their neighborhood and not wanting any disruptions in the neighborhood. It's nice to read.

Then I also gave you a copy of the approved building permit and the setback is actually listed

right on there itself. So that is something that was definitely looked at by the Department of Public Works. I know this is the first one so I included the short-term rental home inspection form. So part of the law is the house has to be built to code, but that it also has to be safe. So they're required to make sure it's still safe. So they went through the home inspection and that passed and it's in all the details of what was inspected are in the staff report.

And then we have the letter of protest for the neighbor expresses his concerns. We have the applicant's response back describing their neighborhood and explaining that it is fully permitted. Also a nice photo from early on in the days, that neighborhood. And then there are the two letters of support that are right in the staff report. And one of them it talks about the applicants themselves as being quiet individuals and sensitive and respectful, and that's kind of what we look for when we're looking at a bed and breakfast operation. And then they also included some information about the neighbor's rental operation. And I did speak with the neighbor who wrote the protest letter about getting a permit. He understands that he needs to do that. I would think he's looking at the application. We talked about it. I haven't spoken with him recently. And then there's another letter of support that's in here as well that says very good things about the applicant. So that concludes my remarks. Thank you.

Mr. Ornellas: Thank you, Gina. Members, are there any questions for Gina? For the County?

Ms. Beverly Zigmond: Mr. Chair?

Mr. Ornellas: Go ahead.

Ms. Zigmond: These are really manini questions on the report. I have no problems at all with the application and I wish that everybody who came in for a B&B permit would be as thorough and understanding and pono as the current applicants are. Just so I know that I'm not crazy on the...the front page of the report, GMF is your initials?

Ms. Flammer: Yes.

Ms. Zigmond: Okay. Page 3, number 2, do you really want to reference the Kihei Community Plan?

Ms. Flammer: Where? My apologies. I didn't even notice that. Thank you for that.

Ms. Zigmond: Okay, I just wanted to make sure that there wasn't something there that I needed to know.

Ms. Flammer: No, missed Lanai. That was my oversight.

Ms. Zigmond: Okay, and then --. Really, we would be.

Ms. Flammer: They can only operate in Kihei.

Ms. Zigmond: I was a little worried. And then page 11, number 6, you had referenced the community plan a few minutes ago. You mean the 98 one?

Ms. Flammer: It was -- you know, and went to look up the date and I didn't get it in there, but it is the 98 one. Let's get that on record. Thank you very much.

Ms. Zigmond: Alright. Thank you.

Mr. Ornellas: Anyone else members? Gina, on page 5, now, you, you said that the County Council is gonna review our changes in this summer. After the -- is it after the budget?

Ms. Flammer: It's up to Council Member Don Couch who is the Chair of the Planning Committee as to when he schedules it. We were looking, from what I under, to try to get the short-term rental on maybe before budget. I don't know if that's going to be possible. Other than that I know that they want to take it up as soon -- it's, it's, it's the next item that I've seen to come up. It's whether or not that makes it before budget or not. The B&B, I think would definitely come right after or with the short-term rental.

Mr. Ornellas: Right. Right, I remember that was the, the order it came. Will they come to Lanai to Lanai to -- for public hearing on this, on these subjects?

Ms. Flammer: I don't know.

Mr. Ornellas: I don't know if you would know or not.

Ms. Flammer: I think that would be a question for Chair Couch.

Mr. Yoshida: I believe that's up to the committee. You know, when they did their home business bill they went to various communities to get input from community residents.

Mr. Ornellas: Okay. Well, I hope the, the next chair of the Lanai Planning Commission pushes this so that way they can come back to Lanai and listen to us and hear the horror stories that these guys had to go through just to get their property legal. There's not too many people on this island that does bed and breakfast have that kind of cash laying around to do -- neither, neither to you right -- to do what they've done. It's...it's just amazing. And I hope more of our residents who do do bed and breakfast and short-term rentals take your lead. You know, if you're willing -- if you did it, then they should all do it. And, and Onaona will quit stressing. Yeah, I mean, the 500 feet is nuts, and the...you know, some of the other things that we want changed for Lanai is --. And I hope that the County will go after Mr. Stewart as far as not having a legal, but yet advertising the heck out of his...out his bed and breakfast. Okay? You're shaking your head.

Ms. Flammer: Is that request or is that --?

Mr. Ornellas: Please.

Ms. Flammer: Okay. Okay, did you want me to file a request on behalf of the Planning Commission? Is that --?

Mr. Ornellas: Yes, please. If you can do that for us.

Ms. Flammer: Yes, I can do that.

Mr. Ornellas: Alright, thank you. Members, any other? Alright, hearing none...wait. Public testimony? We'll open that back up. Anybody else wants to chime in on this? Everybody okay with it? Alright. Yes, sir, Mr. Kepa. Can, can you use that?

Mr. Kepa Maly: Sorry, I just wanted to acknowledge one, that County, Gina, particularly was really good to work with. She gave Onaona patience and going an hour understanding the process. As was mentioned, it really was sort of a surprise to us because little did we know that when we purchased we...and...that, that they said, oh, the house isn't permitted and that in fact things in the main house wasn't permitted that it meant that immediately the first thing that happened was a \$40,000 hit from the double cesspools to a septic system that we had to install and it just sort of snowballed from there. It's water under the bridge or "kaka" somewhere, but anyway. You know it was really great, the County, Gina, was really patient and helpful with Onaona, and just, you know, having the fact that ohana here on Lanai came this evening. And so we just want to say thank you all very much. We are definitely not trying to make . . . (inaudible) . . . for anybody else. All we wanted was that says, you know what, we need to be up to standard. And you know at some point, you know, Onaona got a little afraid because County says if you're caught advertising we can keep you from doing it for five years. And ultimately for us having the opportunity to -- you know many of our guests have been friends. I mean when museum people come over for heritage center, we're not charging them. When ohana and friends come over, you know, or whether it's . . . (inaudible) . . . DeResario folks and when Gloria . . . (inaudible) . . . you know, that was just aloha time. But it's nice to have a little bit of an opportunity to recuperate some of those unexpected expenses that we incurred when we bought the house, so you know, that was basically it, I think, yeah. So we want to thank you folks for your time and consideration. And thanks Gina. Thanks very much. So Mr. Spence, tell him, good job.

Mr. Ornellas: Onaona, you have a job. A consultant. You can be a consultant for the island of Lanai as somebody that can get through the, through the process. Alright, anybody else? Any others want to weigh in? We okay? Alright. We'll close public testimony. So hearing any more questions from the Commission? No? We'll just call for the vote. Wait. Go.

Ms. Flammer: I can give the recommendation if you'd like.

Mr. Ornellas: Okay.

Ms. Flammer: Okay. The Maui Planning Department recommends approval based upon -- there are 16 conditions. I won't read them unless you have any questions about any of them. So in consideration of that the Department recommendations that the Lanai Planning

Commission adopts the Planning Department's Report and Recommendation prepared for today's meeting, February 18<sup>th</sup>, 2015, as your Findings of Facts, Conclusions of Law, and Decision of Order, and that you authorize the Director of Planning to transmit said written and --written Decision and Order on behalf of the Planning Commission.

Mr. Ornellas: Thank you Gina. So members, can I hear a motion to...to approve this measure?

Ms. Kelli Gima: I make the motion to approve this bed and breakfast permit.

Mr. Bradford Oshiro: *(Hand raised)*

Mr. Ornellas: And we have a second with...Brad. See what happens Brad you're not around town, I don't see and I forget your name. Alright, so, any, any discussion, members? Seeing none, let's have the vote. All in favor of the motion raise your hand. It's seven, seven yays and two, two absent. Yeah, two absent. So it's approved. Thank you. Alright.

**It was moved by Commissioner Kelli Gima, seconded by Commissioner Bradford Oshiro, then unanimously**

**VOTED:** to approve the Bed and Breakfast Permit and approved the Planning Department's Report and Recommendation as presented.

**Assenting:** *S. Ferguson, K. Gima, S. Koanui Nefalar, S. Marlowe, J. Ornellas, B. Oshiro, B. Zigmond*

**Excused:** *J. Aoki, S. Barfield*

- 2. Resolution No. 14-114 referred by Councilmember Don Guzman of the Maui County Council to the Maui, Molokai, and Lanai Planning Commissions for an AMENDMENT TO CHAPTER 19.30A - Agricultural District of the Maui County Code, to Allow for the Creation of Agricultural Conservation Lots.**

**The proposed amendment is intended to provide flexibility in site planning and design to:**

- 1) Promote land conservation;**
- 2) Preserve agricultural land resources; and**
- 3) Maintain district character consistent with the General Plan.**

**The amendment proposes provisions for the creation of agricultural conservation lots that will be dedicated for agricultural use, in perpetuity, through a conservation easement or a unilateral agreement.**



**The proposed amendment to the Maui County Code (MCC) Section 19.30A.030, District Standards, provides for the ability to subdivide agriculturally zoned land into lots with a minimum lot area of one (1) acre provided that:**

- 1. For parcels with a lot area of at least 92 acres, at least 70% of the lot area must be placed in an agricultural conservation lot. For parcels with a lot area of less than 92 acres, at least 60% of the lot area shall be placed in an agricultural conservation lot.**
- 2. The design of the subdivision incorporates best management practices that support the purpose and intent of the Agricultural District.**
- 3. Non-substantive grammatical improvements are also proposed.**

**It is not the intent of the proposed amendment to allow for the creation of agricultural lots beyond the maximum lot limit established under MCC subsection 19.30A.030(G). (J. Summers)**

Mr. Yoshida: Hello Mr. Chair the second public hearing item is on Council Resolution No. 14-114 referred by Council Member Don Guzman of the Maui County Council to the Maui, Molokai, and Lanai Planning Commissions for an amendment to Chapter 19.30A, Agricultural District, of the Maui County Code, to allow for the creation of agricultural conservation lots. Presenting the Department's report is the Administrator of our Plan Implementation Division, John Summers.

Mr. Ornellas: Welcome John. Please.

Mr. John Summers: Thank you. Aloha. Okay before we get started, the members should, should have some handouts which are going to be quite important to today's, tonight's meeting. The first is this little booklet. And we'll actually walk through this. When I give the report, we'll go page by page, so I'll guide you through that. The second item here is a resolution. This was actually in your staff report. Resolution 14-114. Okay, but I pulled it out so it's convenient for, for the members. And then we have a draft ordinance that was prepared by the Planning Department. It's actually Exhibit 6 of your staff report. I wanted to make it convenient for you.

So I'll try to go fairly slow through the booklet just to make sure that we're all on the same page because otherwise you folks will get a little bit confused. So we're going to start with page, page 1. Again this public hearing is related to Resolution 14-114 which is a resolution that includes a bill for an ordinance to amend Chapter 19.30A which is the County's agricultural zoning ordinance. And it amends that ordinance to allow for the creation of ag conservation lots, and to allow for clustering of ag lots, subdivisions as small as one acre in certain circumstances. So this particular resolution was developed by Council Member Guzman's staff,

and it went through the County Council down to the Planning Department. So, we're processing it pursuant to Section 8-8.4 of the Charter. And you folks have seen resolutions come from the Council before so we're following that same process. Pursuant to that process we take it to the three planning commissions. Last week we went to Molokai, and we had a public hearing on Maui as well.

Ms. Zigmond: Can I ask what the Molokai folks said?

Mr. Summers: Sure. Sure.

Mr. Ornellas: You know, let's -- can we hold questions until he does his thing and then we can questions? That, that way you won't lose track.

Mr. Summers: Right, that might be good since we're all thumbing through this. But when we, when we take a resolution to the Commissions, there's essentially three main options for the Commission. That would be to recommend approval of the resolution as it's proposed. A second option would be to recommend approval with conditions or recommended changes. And a third option would be to say we don't, we don't support this. We recommend denial, okay. There is actually a fourth option too which would be to have your -- have the Commission identify the core issues that they believe are important. And there have been instances where Commissions haven't made a recommendation, but the Department will summarize the highlights for the Council.

Okay, we're going to go to page 2 in this booklet. Okay this slide, purpose and intent, really summarizes what the gist of this proposed resolution is all about. So the Bill allows for the creation of agricultural subdivisions utilizing one acre minimum lot sizes when creating an ag conservation lot. Okay, really the intent is to encourage the clustering of smaller lots...okay...while preserving a larger contiguous parcel that's protected at perpetuity for agriculture. And really that, that purpose is, is visually depicted on the bottom third of the slide. You'll see an image with three little drawings on here. If you look at the left you have an unsubdivided track of agricultural land, okay. And then the middle slide, we have a typical conventional agricultural subdivision. So if you look at that, you'll see that all the lots are about the same size. There's really no site planning around important features, okay. On the image to the far right you'll see what's typically referred to the cluster subdivision. So you've got smaller lots that are designed more in harmony with the landscape. And then you've got this large protected area, okay. And it's protected in perpetuity.

There are really two key points that the members should consider when looking at this proposal. The first is this is a voluntary program, okay. So the Council sends us a resolution, amending the code to allow for this agricultural clustering, but the applicants would have the opportunity to choose whether they want to partake in it, okay. The second important thing is it doesn't allow for any subdivision beyond what's currently permitted. So the way our agricultural zoning ordinance works you're allowed a certain number of lots and this wouldn't increase the subdivision potential that you currently have.

Okay, we're going to change the page to page 3. To really understand how this works, it's a good idea to look at how agricultural lands are currently managed in the State and in Maui County. So the members are aware that we have a State Land Use law, okay, and you folks have probably seen some permits related to that. Hawaii Revised Statute Chapter 205, Revised State Land Use Law, divides the lands in the state into four categories. So we have a State urban district, a rural district, an ag district, and a conservation district, okay. And this slides shows the amount of acreage on each populated island is in the State Ag District. So for Lanai, we have just about 46,000 acres. 47,000 acres. Roughly 51% of the land area is in the State Ag District. Now the important thing about the ag district, the State Ag District, is in its regulatory management frame work -- okay, they have a list of permitted uses so they manage agricultural lands that way -- but they also have a minimum lot size of one acre. So the County cannot allow for the creation of lots in the ag district smaller than an acre. And that's important to know as you look at this ag clustered proposal.

Okay, next page, page 4. Okay, the most important tool we have for managing agricultural lands is 19.30A. That's the Ag Bill, okay. And the Ag Zoning District was adopted, went into law, on December 31<sup>st</sup>, 1998, and went into effect and it was adopted as a result of the proliferation of agricultural subdivisions in Maui County. So we were saying back in those days we would see large tracks of ag lands. You could see a thousand acres of ag land cut up into 500 two-acre lots, okay. So this was creating a number of issues in the County. We, we were seeing the loss of some of our best ag land. We were seeing a lot planning issues and infrastructure issues. So there was this little up swell of public concern that paraded the political will by the Mayor and the Council to do something about it. So they adopted this 19.30A to deal with that situation. And a critical part of that law is the sliding scale. I don't know to what extent the Commission knows, familiar to that. But it's in Section 19.30A(g). And basically what that provision says -- it's a development standard -- it says based on your parcel size, this is the maximum number of lots you can subdivide into and the parcel size, the minimum parcel size, for those parcels you can do, okay.

So next slide, slide 5. Okay, this odd looking figure is what the sliding scale looks like in 19.30A. So a landowner and applicant can come in and look at the far left column and identify what their lot size is, and then use the, the columns to the right to determine their subdivision potential, okay. And that would be the maximum number of two acre lots, 15 acre lots, 25 acre lots and 40 acre lots that are permitted by the Code. It's really important to note that the total number of two acre lots under the current law is capped at 14...okay, regardless of parcel size. It's also important to note that once you've maximized your subdivision potential you cannot further subdivide. Alright, so if you have 100 acre parcel, and you look in this chart, and you do the math, it's 15 lots. Once you hit the 15, you cannot subdivide beyond that.

Okay next slide, slide 6. Okay this table depicts how a sliding scale works in relation to different parcels of different size. So if you look at the left hand side of this table on page 6, everybody should see, about midway down, that first column is 100 acres, okay. According to the sliding scale, a 100 acre parcel under existing law, can be subdivided into 12 lots as small as two-acres, two lots as small as 15-acres, one lot as small as 25 acres, and 15 lots as small...a total of 15 lots, okay. Now the way the law works, the larger parcel you have, you get relatively

fewer lots. And you'll see that in a minute. So for the 100 acre parcel, a total subdivision potential of 15 lots. If you go down, go down one row -- not to the next page, but just down one row -- 200 acre lot, total number of lots permitted in the far right column is 19. So we doubled the size of the parcel but we only increased the subdivision potential by four lots, right. For a 1,000 acre parcel, at total of 46 lots. That's 22 acres per lot, okay. And if you look at the second column, you'll see that there's a cap on the number of two-acre lots, so a 200 acre parcel, 14. You can have up to 14 two-acre lots. A 1,000 acre parcel, up to 14 two-acre lots. So that was a pretty significant change.

If you go to the next page, that's reflected in the graph on page 7. And just real quick on the x-axis you'll see the size, the size of a parcel. And on the y-axis, the subdivision potential you'll see two lines there. You'll see a bluish black line and a red line. And pre-1999 or the old system, 1,000 acre parcel, 500 lots, okay. Under the new system, with the red line, that went down to 46 lots. So that was a 90, a 90% reduction in subdivision potential. And this is really important because ag clustering, transfer development rights, urban growth boundaries, none of that works unless you have real ag protection zoning. And then in your proposed Community Planning there's language supporting things like transfer development rights and ag clustering, and it just doesn't work without this type of law in effect.

So if you go to the next page, page 8, and we look at this we have to think well how is this new ag clustering provision going to correlate or integrate with existing law? So it's really not that complicated. Okay, there's a section that's created, the applicants would still determine the maximum number of lots that can be created under the sliding scale, okay, so that doesn't change. Here's the key point. If you're going to do a cluster subdivision, okay, you're going to have to set aside a significant portion of land in perpetuity for agriculture. So the ordinance that came down from, from Council states that any parcel that's 92 acres or greater, at least 70% of the area of that lot if you're going to use this clustering has to be deed restricted and protected in perpetuity. It has to be placed in this ag conservation lot. If it's a smaller lot, something less than 92 acres, then that percentage goes to 60%. The ag conservation lot is, as I noted, restricted from future re-zoning or consolidation or re-subdivision, okay, under the proposal it came down. The ag conservation lot is limited to the permitted uses in Maui County Code Section 19.30A.050. So no special uses on this ag conservation lot, okay. If an applicant wants to use this procedure -- remember it's voluntary -- and they're willing to do this ag conservation lot and put these restrictions on it, then they can get out of the minimum lot size standards in the sliding scale and subdivide the parcels as small as one acre, okay.

Next, next page, page 9. Page 9 is really important because this is a depiction of some of the things we're seeing on, on Maui island, okay. More so on Maui island. This is 1,000 acre parcel, and according to the sliding scale 46 lots are allowed. And those lots range from two to 40 acres. In this particular example, a 1,000 acre parcel if you do the math, you can have 14 two-acre lots; 17, 15-acre lots; ten, 25; and five, 40, okay. And when that lot, that parcel, that 1,000 acre parcel is subdivided, the subdivision is down to its minimum lot size, there's a remainder of about 267 acres. The problem with this subdivision and we have people speculating on ag lands still, and this is similar to what we're seeing is this property becomes fragmented, becomes less productive for agriculture, so it's still an issue. So in response to this

and to try to come up with a solution to it, we're proposing this alternative -- which if you turn the page, go to page 10 -- is this ag clustering option, okay.

And in this case, and it's visually depicted here on page 10 of your booklet, we have the same 1,000 acre parcel, the same 46 lots, the applicant is allowed to do those lots, but they're allowed to cluster them, okay, into parcel sizes. In this example it's two-acre parcels. And the remainder, 910 acres, is protected, okay. In this case, it would be an ag conservation lot deed restricted in perpetuity.

Page 11. To make this work, it's really important that you have site planning criteria as part of the ordinance. I wanted to show how that works. With our -- with conventional subdivisions where there's really no design criteria you often times end up with what you see on page 11, okay. Page 11 is a 21 lot subdivision. No real variation in parcel size. No real consideration of the topography and some of the natural features on the land. So if you look at that slide in the lower right corner you'll see a stream, you'll see flood plains, you'll see some green wooded areas, and in the lower right corner you see some view plains, okay. Because the law doesn't allow much in the way of site planning flexibility because the lot sizes are fairly fixed, those resources are disrupted.

If you turn the page to page 12, we have the same track of land, 100 acres. Let's call it 100 acres. The same 21 lots are clustered in the upper right portion in this example. So we have 21 much smaller lots, and we have a remainder, if we're talking about 100 acre parcel, a 70 acre ag conservation lot, okay. There's some more benefits to this. We preserved a large track of agricultural land in perpetuity, okay. Once we do that, once we take the development pressure off that ag conservation lot the value starts to reflect its agricultural use. And it's much more likely farmers will have access in fee simple or long term lease to land that's more affordable. It also allows us to start considering the conservation value. So if you look in this, in this diagram you'll note that the streams aren't impacted as much as the previous example of view corridors are planned for in that type of thing. So some more benefits there. There are also benefits for the developer, okay. If you're allowed to cluster the subdivision potential, okay, you're going to reduce the amount of roadways and other infrastructure. So the costs of those lots, those clustered lots, will fall, and that's a big benefit. Fewer driveways, and roads, less impervious surface, less non . . . (inaudible) . . . of pollution. That's a public benefit.

A critical thing is on a cluster subdivision you can place a development areas where you aren't topographically constrained, so the cost to develop those lots is going to be much lower often times. And to be honest, the market for large ag lots, the 25 and 40 acre lots that the sliding scale requires sometimes those are challenging to sell, so that's a benefit as well for the, for the developer.

Turn the page, page 13, we do have a policy basis whenever we're looking at a zoning amendment. We always want to go back to our comprehensive plan or General Plan to make sure we have a policy structure for it. So you will see a picture of the Countywide Policy Plan here adopted in the Spring of 2010 to 2012. Spring of 2010. And we have an objective and a policy that supports that in the Land Use Development of that chapter so let me actually read

that policy, D, down at the bottom of the slide for you. It says:

*“Promote creative subdivision designs that implement best practices in land development, sustainable resources, increase pedestrian and bicycle functionality and safety, and the principles of livable communities.”*

So this Countywide Policy Plan applies to all three populated islands. And it provides sort of a real broad support for this, but we have much more specific language in your proposed community plan which is currently pending review by the Council. So there's a policy 6 in your Land Use Chapter, Chapter 9. This Commission should be pretty familiar with this. I'm going to read it for you. It says:

*“Encourage cluster housing, conservation subdivision design, the use of green space natural separation, or transfer development rights to protect the character of rural and agricultural landscapes.”*

And there's an action, Action 9.06 in the draft, it's pending Council review, revise zoning and subdivision regulations of permit, clustering and conservation subdivision design within the rural and ag districts.

Okay, let's turn the page to page 14. So the Department does support the concept of cluster subdivision, okay, but we did have concerns with the Bill that was attached to Resolution 14-114. That Bill was pretty complicated, a little bit abstruse and hard to understand. We felt that the design criteria should have been explicitly required, okay, and that was a little bit ambiguous. That ordinance that came down, that proposed Bill that came down, had a second sliding scale. One sliding scale is complicated enough. We didn't -- we don't need a second. So working with Council Member Guzman and staff, we came up with an alternative which is Exhibit 6 in your staff report.

And, and if we turn the page to page 15, the basic purpose of that alternative Bill was to simplify...simplify things, do some reorganization to make the purpose and intent clearer, and to clarify a handful of provisions, okay. No increase in subdivision potential, so we're maintaining that. Minimum lot size, one acres. We haven't changed that with the department's draft. We did lower the minimum lot width to 150 feet because if you go from the two acre minimum which is what we have now, to a one acre minimum, the current lot width requirement is 200 feet. So to really allow the development of farm dwelling on a 20 acre parcel, you gotta work with that lot width. We dropped -- recommending it be dropped to 150 feet. We do make it explicit that subdivision site plan criteria have to be a part of this, in the department's draft. And we've maintained that the ag conservation lot has to be at least 70% of the parcel if the parcel is 92 acres or greater, or 60% for parcels smaller than that.

All the provisions regarding the use of unilateral agreements to state clearly that the uses permitted have to be limited to permit an accessory use in the special uses. That's included in the Exhibit 6 draft as well as the prohibition on re-subdivision and changes in zoning and the like. Although we add, we did add an important phrase, unless recommended by a governmental

agency for public purpose, okay. There is one more point. Everyone's aware of these farm dwellings that are built on ag lots. So if we're going to create an ag conservation lot, the current law allows two farm dwellings per lot. One of them is capped at 1,000 square feet of developable area, okay. For the ag conservation lot, the proposal still is, with both Council Member Guzman's Bill and the department's revised edited Bill that we still maintain the two farm dwellings per lot. The department felt that it was really important to have a maximum developable area of 4,000 square feet for those two farm dwellings. So together the two of them could not exceed 4,000 square feet. And the idea there is that if we end up with beyond a huge mansions on these ag conservation lots, they're not going to be affordable. But if we can cap it, say 4,000 square feet, 1,000 for the second dwelling, and 3,000 for the first, you know, they might be within market of our farmers. We felt that was important.

Some other issues that are really important. The department is still researching this, and we're looking for getting input from the Commission on this. Right now we do not have a maximum lot size. We have a minimum lot size for the cluster of one acre. But what we've seen under the current subdivisions with the two acre lots was a lot of folks were coming in and they're not doing the two acre lots. They doing a five acre lots because the market -- they do, they do their studies in the market, their return on investments greater with five acre lots. But if we do that, we're not really achieving the clustering benefits. So a lot of jurisdictions have included a maximum lot size to say two acres or three acres to make sure that those lots are in fact clustered. So that's one thing we're kicking around.

The other is whether or not we should have a cap on the number of lots that could be a part of this. Maui County, just of the history of . . . (inaudible) . . . have very large lots on all three islands. So for instance, an 8,000 acre lot, the subdivision potential under a sliding scale is 276 lots. So the question is well at what point should we cap this so that we don't have too many small clustered lots happening in areas without further review.

Okay, so we turn the page to page 17, the Planning Department does support the proposed Bill, okay, that came down, but as modified in Exhibit 6 of the Department's staff report, okay. And the Planning Department recommends that the draft revised language be adopted in lieu of the proposed Bill, in Resolution 14-114.

So thank you very much.

Mr. Ornellas: Alright, thank you. Appreciate it. Let's open it up for public testimony. Anybody wanna testify on this particular item? Go ahead. State your name and let us know.

Mr. Stanley Ruidas: Hello Planning Commission. My name is Stan Ruidas, Lanai resident. If you look at this Bill I think it goes in the bin where "except Lanai" because you don't want any ag lots which you live on, more than one acre. Most, most parcels here is like a quarter acre. So imagine paying, what, \$500,000 for a quarter acre, and paying four times more for a one acre. So I don't think we should be involved with this, maybe, you know, for Lanai, and I think that's it.

Mr. Ornellas: Alright. Great. Thank you Stan. Appreciate it. Any comments based, based on what Stan said, County?

Mr. Summers: Sure.

Mr. Ornellas: Defend yourself.

Mr. Summers: Defend myself. Ag lots, under the existing law, two acres lots can be very expensive. I mean, it's just the nature of it. That's what we're experiencing right now. So this, this proposal would actually reduce the lot size to one acre. It might actually make it less expensive than current...current law. Not necessarily affordable housing on a one acre lot, but more affordable than what we have today. And it, and it would reduce the cost of that ag conservation lot hopefully to reflect its farming value.

Mr. Ornellas: Okay, great. Anybody else want to weigh in? Yes...come, please come forward.

Ms. Basques: Thank you again. Winnie Basques. If you gonna do ag lots, where is it gonna be and where's the water coming from? Because why you going do all this planning -- okay, I going get the acre. Okay, so who is gonna install the drip irrigations? Who's gonna pay the bill? And who is going maintain the agriculture area? That's my question.

Mr. Ornellas: Alright, Winnie, thank you.

Ms. Basques: You're welcome.

Mr. Ornellas: There's a couple in there that's...they're good questions. Jerry, do you wanna say something?

Mr. Rabaino: Okay, Jerry Rabaino, Lanai City. I think you should re-look at the situation from Lanai because it says over there nothing is planned for Lanai. And being that the land owner is the majority there, I think we should just stay with the one lot because of the water usage and all of the etcetera, etcetera that's involved with farming. Because we know the land owner owns the water so...just keep it at one there and then work it from there in the future for the future planning commissioners because we shouldn't follow this, this, this criteria. Maybe it applies to Maui and Molokai because they have more land and, you know, you've got Amfac over there and Del Monte on Molokai, and others, Molokai Ranch, but Lanai is just one employer that owns the land, excluding the government parcels and state parcels. So we just should keep it at one acre because how much will the developer accept this, this thing by lot wise, yeah? Size wise? So just stay within one and have Lanai create their own, excluded from the Maui and Molokai plans.

Mr. Ornellas: Thank you. Anyone else want to testify on this, on this issue? Go ahead Mr. Richardson. Tell us who you are.

Mr. Chris Richardson: Hello, my name is Chris Richardson. Thank you members for listening



to my testimony. Just in general, briefly, I, I believe this deserves some consideration. I don't believe it deserve a quick, fast approval, and a fast track, but I think it deserves consideration because this model does seem to have some aspects of proposed development that would improve the way development has been done over the past, maybe 30 years where we've just put houses, houses, houses, houses. At least we're incorporating this. My concerns are, of course, what is given up? Are you giving up conservation space to develop? Or are you giving up development space to make it more of a conservation type development? That would more of what I would hope would be is that if this is development zoned and we're talking about making it more rural, more agricultural, I'm for that. But if you're talking about taking an existing conservation space, and then parceling that up and saying we're throw houses in there and call it conservation, I wouldn't be for that. Thank you.

Mr. Ornellas: Thank you. Any comments, John, on...on Richardson's concerns?

Mr. Summers: Sure. The...the idea is to inject more planning into our current subdivision process. In, in the Bill that came down from, from the Council, they do call this, this protected area an ag conservation lot which is a little bit confusing. It's actually an ag preservation lot. You know, because we get confused with the State Conservation District. So we're taking agriculture land, and through the subdivision process, we're identifying an area, quite a large area to be preserved. That's a agricultural preservation lot. It, it's a tool that has worked pretty successfully in other jurisdictions, if you have the right criteria in place and structure for it.

Mr. Ornellas: Okay, great. Thank you John. Hearing nobody else in the -- we're gonna close public testimony. Members, any questions for the, the County?

Ms. Zigmond: Mr. Chair?

Mr. Ornellas: Yes, ma'am?

Ms. Zigmond: I repeat my question, what did Molokai do?

Mr. Summers: Okay, Molokai, they had a lot of questions. It was a good meeting. They...and it's a little bit interesting how it worked out in the end, but at the end of the meeting, they essentially decided to have the department summarize the issues and the highlights of the commission's conversation, and then place that discussion, those highlights, in its staff report for transmittal to Council, without a recommendation. Okay, so that was sort of our marching order towards the end of the meeting. But earlier in the meeting, they had deferred the item. So there was a hanging deferral that they didn't address. So technically we're going to go back and finish that public hearing. But, we did get direction from the Commission members to go ahead and prepare a staff report with those issues, and get those to the, to the Council.

Mr. Ornellas: Anybody else? Yes, go ahead Bev.

Ms. Zigmond: What -- follow up -- what sorts of issues? Because I'm curious now.

Mr. Summers: Well there were -- I think one of the, probably the most prevalent issue that -- we heard it on Maui as well -- was at what point through this ag clustering concept, at what point are we allowing too much density outside of areas that we -- outside of our urban areas or rural areas? Alright, so, I gave the example of the 8,000 acre lot...okay. If we had one of those lots and somebody went through an ag cluster subdivision, 276 lots, could be 275 one acre lots with one large ag conservation lot. So there was concern about, well, are you allowing some urbanization or rural scale development outside of your growth boundaries and making it too difficult to plan. And that's, that's a question we, the department, anticipated which is why one of the other issues we highlighted was whether there should be a cap on this. So that's -- I think that was the most significant issue. We had a lot of questions about...will this effect people's ability to provide property to their heirs, that type of thing. And how does it effect current owners of agricultural lands? But we have to remember this is a voluntary program so it doesn't affect current property owners.

In terms of heirs, passing their property to their heirs, it might make it easier because current law once you maximize your two acre lots, if you're going to pass down property, it's got to be a big chunks -- 15, 25, 40 acres -- so in those instances you're almost forced to break up your land holdings. But whereas with the ag clustering concept you could pass property on without doing that. Yeah.

Mr. Ornellas: Bev, any more? Anybody else, members? Hello? Go ahead.

Mr. Bradford Oshiro: . . .(inaudible) . . . question is was this Bill anything like it before -- this, this Resolution is coming up, was there anything? Because I look at the West Maui mountain, the slope, that don't make sense at all, you know. And then, you, you call it ag land and I don't see anybody growing anything on it. So what use is it to call it ag land? I mean, what can you grow on one acre land if you're gonna put a house and barn on there? There's not much you can grow on it. I don't think anybody can make a living off of one acre land.

Mr. Summers: Yeah, that's a really good question. Pre-1999, when you could take 1,000 acres and 500 lots, we saw a lot of that. Most of it was happening on, on Maui, and so West Maui to some extent is a reflection of the history of that, on that island. Those folks who acquired that land from Pioneer Mill subsequently did additional subdivisions using the current law which to some extent exacerbated things, but the framework was established pre-1999. One acre lots, you know, this is one of the -- when you look at the benefits and the costs, those are going to be harder to make particularly commercial farming work on a one acre lot. We, we see some small highly intensive value added crops work on such small lots, but that's --. You know, if you're going to get the large tracks preserved and have that land made available to agriculture there has to be some give somewhere else. And I would note there's a question about the viability of agriculture. Land labor, capital, and water seemed to be the four major inputs. Land costs are so high. It's so difficult for new entrance to get into the market under the current situation. So, you know, it this could be, with these ag con, these ag conservation lots, deed restricted protected areas, it could make a lot of land available. That would be much more affordable for commercial farmers to take advantage of.

Mr. Ornellas: Anyone else? John, I have a few. 46,566, that's one lot here on Lanai. We have an owner that owns it all. Anything outside of this, this community, he owns it, so can we add restrictions as far as where these clusters can go?

Mr. Summers: I think, I think that would be a reasonable suggestion of the Commission, you know, absolutely that type of recommendation would be forwarded to the Council. It, it is a unique situation here with the size of the parcels.

Mr. Ornellas: Does...when we talk about clusters and lot sizes and all that stuff, the term that, that I'm, that I'm thinking of is Gentleman's Estate. Is that fit in within this? You know, I mean -- I mean, you drive up Kula -- I mean, my mom lives up there -- so you drive through Kula and there's huge mansions up there that supposedly are in ag, and I don't know what they're growing. Eucalyptus? You know, I just really don't know. But you see we're at, we're at the cusp of something big. I mean, this is the beginning of a new era for this island, and we don't want to give away all of our open spaces to clusters of houses, especially on the other side, you know. So, you know, I, I'm really having a hard time accepting this and --. I mean, if there was, if there was a way to bring these people over here, Don and, and staff, to come here and listen on, on request for this, for this, then maybe you have a better chance of this being approved. But right now I can't really, I can't really support it only because the future, with clusters, doesn't, doesn't fit our community plan as well as what I think is, is what the future of this island should be. I mean, this is personally coming from me so. Conservation, who monitors the conservation?

Mr. Summers: The conservation lot, that lot would be...created and could be, would be sold perhaps and managed by the owner of that property. So there is no provision in this particular ordinance that require, a proposal that requires some sort of a management structure for the ag conservation lot.

Mr. Ornellas: Okay, so what if you have...an agricultural lot and you have a, let's say, 20 acres of conservation, and then you turn around and you sell it...the next, the next owner will have to abide by these, by these rules.

Mr. Summers: Right. That, that's --

Mr. Ornellas: I mean, he can't build anything on it?

Mr. Summers: Well, and this is very important, okay. That ag conservation lot that's created, okay, is deed restricted with a unilateral agreement with the County. So there will be specific language that's tied to that parcel that says no further subdivision, no consolidation, no change in zoning unless requested by a governmental agency for public purpose, no special uses. We're going to restrict it to the use that are currently permitted in the maximum developable area, and the department's draft is capped at 4,000 square feet. So the value of this is ensuring that that ag conservation lot, that 70% of the original parcel area for larger parcel is protected in perpetuity for future generations. That's...70% for large parcels. That is the big public benefit. Now a secondary benefit is by using the site plan criteria with the minimum -- smaller

minimum lot size, we can start to require people to site plan in a way that's harmonious with...the topography and the natural features on the land.

Mr. Ornellas: When my, when my mother bought her property up in Kula it was a two acre lot, so, and she had Protea, Protea farms. So, you know, she's 80-something so she can't run her Protea farm anymore so it's not there. So what's to stop anybody from purchasing this and then not following through, and decide to do with bed and breakfast or...or, you know, something else to supplement their income, you know?

Mr. Summers: Right. For, for the ag conservation lot that land will have the highest level of protection that we've got. Because remember we're deed restricting it against special uses. We're ensuring that there's no re-subdivision or change in zoning. So, you -- the County has an opportunity. It really start to create a stable land base, a base of agricultural land that's -- you basically taking the development pressure off of it that starts to become available to be a long term lease or fee simple for a more affordable rate. That's, that's one of the really primary goal to this.

Ms. Zigmond: But it's voluntary so...what the heck, you know? I, I don't, I really don't get that part. But, you know, some of your questions, John, are valid, and we could always exempt this voluntary thing, exempt Lanai from it.

Mr. Ornellas: So, so, members, let me get this straight. Did you say that we can just, just deny this? What?

Ms. Zigmond: We could approve it except Lanai. We've done that in the past.

Mr. Ornellas: Okay, well, we're not the final, the final destination of this ordinance, but we would just say no for Lanai. Okay. Okay. Members, anybody want to --? Stu, you don't want to weigh into this? I haven't heard from you. Alright. Anyone else? Stacie? Kelli? Ferg? Nothing? Okay, and so based on what you said, John, I appreciate, and it was good presentation but it's, it's kind of iffy being a one owner town and a lot of things can happen. I mean, we don't -- we can't see -- we can't see the ripple effect of this. I really can't see the ripple effect as far as what's going to happen 5-, 10-, 20-years, you know, down the road, so I hope our Community Plan when it comes back to this island that we, maybe, have you come and talk to us again about, about this again. And maybe have more, give us a more as Bev would say a warm fuzzy feeling so --. But right now I personally wouldn't support it. You know, and, can I get a motion? Let's get a motion to deny this.

Ms. Zigmond: I, I would make a motion to approve it with the exception of Lanai.

Mr. Ornellas: Do you understand what we're getting to?

Mr. Summers: Absolutely.

Mr. Ornellas: Okay. Alright, so can I get a second?

Ms. Kelli Gima: *(raised hand)*

Mr. Ornellas: Okay Kelli second. We have anymore discussion on this? No, seeing none. Okay, all those is favor of the motion raise their hand? . . . (inaudible) . . . And Stu, you're voting against it?

Mr. Stuart Marlowe: Yes.

Mr. Ornellas: Okay, and one, one nay. Alright, so...I guess that's it for that.

Mr. Summers: Okay, thank you.

**It was moved by Commissioner Beverly Zigmond, seconded by Commissioner Kelli Gima, then**

**VOTED:** to approve with the exception of Lanai.

**Assenting:** *S. Ferguson, K. Gima, S. Koanui Nefalar, J. Ornellas, B. Oshiro, B. Zigmond*

**Dissenting:** *S. Marlowe*

**Excused:** *J. Aoki, S. Barfield*

Mr. Summers: You're welcome. You know, normally I would do a projected, but I've been called to Oahu for a -- to testify tomorrow.

Mr. Ornellas: You know what this is definitely something that we should be discussing more of because conservation is been talked about for many years especially for on top of the mountain.

Mr. Summers: Right.

Mr. Ornellas: We appreciate you coming here. Thank you.

Mr. Summers: Thank you.

Mr. Ornellas: Aloha.

#### **D. DIRECTOR'S REPORT**

- 1. Open Lana'i Applications Report as distributed by the Planning Department with the January 21, 2015 agenda**
- 2. Open Lana'i Applications Report as distributed by the Planning Department with the February 18, 2015 agenda**

Mr. Yoshida: The department has circulated its list of open Lanai applications with the January agenda and the February agenda. Are there any questions?

Ms. Zigmond: I, I do, Clayton, on the February one, the open report, the SM2 and SMX. Do those come before us?

Mr. Yoshida: I believe that's an error. That should have been an SM7 which is Lanai Minor Permits, and this was for a special event at the -- it should be closed out -- a special event held at the Four Seasons Hotel at Manele Bay, during that period when there were no hotel rooms available in October. So just a temporary tent for a function at the Four Seasons Manele Bay Hotel.

Ms. Zigmond: And the SMX?

Mr. Yoshida: Yeah, the SMX is the --. SMX...the SMX, is that, that 20140254?

Ms. Zigmond: Yes, the second from the bottom.

Mr. Yoshida: Yeah, that's...I guess I says for raising of the storm water drain at Hulopoe Beach Park. I'll check with the planner and to get you a response as to what the SMA Assessment, the details of the SMA Assessment.

Ms. Zigmond: My question was does it come before us?

Mr. Yoshida: Did it come before you, storm water drain? I don't -- well, I'd have to check on this. I don't believe it -- I don't believe it did.

Ms. Zigmond: I thought all exemption come before us.

Mr. Yoshida: Yeah, this is SMX, so it's an SMA Assessment.

Ms. Zigmond: And X is not an exemption, it's an assessment?

Mr. Yoshida: Yeah, if it were an exemption, recommendation for exemption, then it would come before you.

Ms. Zigmond: Okay. Alright, great. Thanks. I got my acronyms confused.

Mr. Oshiro: By any chance did Pulama come in with a permit for storing salvage metal down Miki, down Miki Basin? I just asking if you know.

Mr. Yoshida: Storage of?

Mr. Oshiro: Storage for accessing because once they start the project down Manele they going to have to store all their rebars and stuff like that. So the last time I talked to them they said

they was going to do, something down at Miki where they going store all that stuff. And also they going do recycled metal so I just wanna know. Because my yard beginning to look like a recycling junk pile.

Mr. Yoshida: So -- is that related, that's related to the construction that's occurring . . . (inaudible) . . .

Mr. Oshiro: Yeah, I just -- because I was talking to Wayne Ishizaki and he told me that. He went -- they put in for it and they waiting for it to come back, but I don't see nothing here but.

Mr. Ornellas: If you look there's two. There's an RFC for temporary tents, and then there's an SM2 for temporary tents. Now the RFC, it looks like that's the one that you were talking about having a function down there?

Mr. Yoshida: Yeah, I think the --. No, the RFC is a request, I guess, for clarification on the minor permit that they have for temporary tents, periodically for functions at the Four Seasons. I guess the SM2 which should be an SM7, December 2013. Oh, I think that was -- I'm sorry I gotta correct myself -- that was for the displacement of the boutique shop when, yeah, when the lobby -- yeah voided -- so the lobby construction improvements were done at the hotel. And I believe there was -- Lynn McCrory from Pulama Lanai as well as a representative from Four Seasons did explain kind of what happened with that temporary tent.

### **3. Agenda Items for the March 18, 2015 Lana'i Planning Commission meeting**

#### **E. NEXT REGULAR MEETING DATE: MARCH 18, 2015**

Mr. Ornellas: Alright, thank you very much. Our next meeting, can we request that Pulama come so that they can kind of give us updates on the storm drain, the Manele golf maintenance, you know, all of these things that have been sitting on there for a while. Because I see some of these, some of these things have been there since 2013, so, alright? Can we personally invite them? Thank you.

So, that takes care -- anybody else have anything on the open applications for both February and January? Okay, so agenda items for the March 18<sup>th</sup>. Our next meeting is March 18<sup>th</sup> for the Planning Commission. Is there any...anything for...that we want to see on the agenda?

Ms. Zigmond: Mr. Chair, I think it would be a perfect opportunity to resume that discussion on the SMA boundary changes that we had talked about.

Mr. Ornellas: I know it. That was one of my...and I'll be long gone by that time.

Ms. Gima: No, so since it's your last meeting, next month, it's fitting that that goes on the agenda.

Mr. Ornellas: Okay, let Clayton write it down.

Ms. Gima: It's been, yeah, almost two years, trying to get item on the agenda.

Mr. Ornellas: SMA boundary back.

## **F. ADJOURNMENT**

Mr. Ornellas: Alright so, I guess, we, we all know that is March 18<sup>th</sup> and we're gonna --. So far we have on the list the SMA boundary for the island of Lanai for our next agenda item. So if anybody has anything else please send it to Clayton or Leilani and then copy me. You don't want anything? Leilani, doesn't want to hear it from us so send it Clayton and copy me please. I'd appreciate it. Alright, anything else from anyone else? No, we're all okay? Alright. Alright, it's 7:00 p.m., we're getting out of here early. Alright, thank you all for coming, and this meeting is adjourned.

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 7:00 p.m.

Respectively submitted by,

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions II

## **RECORD OF ATTENDANCE**

### **PRESENT:**

Stephen Ferguson  
Kelli Gima  
Stacie Koanui Nefalar, Vice-Chair  
Stuart Marlowe  
John Ornellas, Chair  
Bradford Oshiro  
Beverly Zigmond

### **EXCUSED:**

Joelle Aoki  
Shelly Barfield

### **OTHERS:**

Clayton Yoshida, Planning Program Administrator, Current Planning Division  
John Summers, Planning Program Administrator, Plan Implementation Division  
Gina Flammer, Staff Planner